

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re: :  
: Case No.: 21-10040  
Christian D. Weber : Chapter 13  
Audrey C. Weber : Judge John C. Melaragno  
: \* \* \* \* \*

Debtor(s) :  
Lakeview Loan Servicing, LLC : Related Document #94 & 115  
Movant, :  
vs :  
Christian D. Weber :  
Audrey C. Weber :  
William C. Gibi :  
Ronda J. Winnecour :  
Respondents.

AFFIDAVIT OF DEFAULT ON AGREED ORDER  
(Docket No. \_\_\_\_\_)

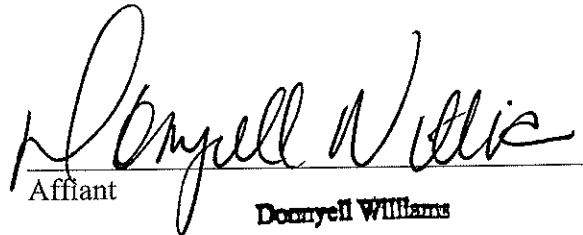
STATE OF Texas )  
COUNTY OF Denton ) SS

Doonycell Williams ("Affiant"), being first duly sworn according to  
law, deposes and says on the basis of personal knowledge:

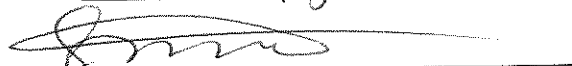
1. Affiant is an employee of Lakeview Loan Servicing, LLC (the "Creditor") and is competent to testify to the matters stated in this Affidavit. The Creditor has custody of, and maintains records related to, the promissory note and mortgage that are the subject of this bankruptcy action.
2. According to a review of Creditor's records, Audrey C. Weber ("Debtor") and William C. Gibi ("Co-Debtor") failed to comply with the Order entered by the Court on August 30, 2023, a copy of which is attached hereto as Exhibit A, by failing to make timely plan payments in accordance with the Provisional Order. The plan is delinquent in the amount

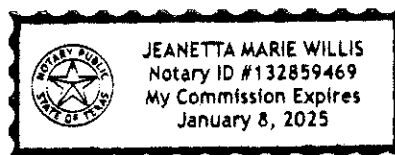
of \$11,450.00. The debtor was to have paid 11 plan payments at \$2,850.00 each for September 2023 through July 2024 for a total of \$31,350.00 but has only remitted \$19,900.00. A copy of the trustee ledger is attached hereto as Exhibit B.

3. The lack of plan payments has resulted in a the loan due becoming post petition delinquent. No funds have been received from the trustee since April 30, 2024.
4. This Affidavit is filed pursuant to the Default paragraph of the Provisional Order. Pursuant to the Provisional Order, the automatic stay will terminate upon the filing of this Affidavit of Default.

  
Affiant **Donnyell Williams**

Subscribed and sworn to before me, a Notary Public, this 21 day of August, 2024.

  
Notary Public



**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**In re:** :  
: **Case No.: 21-10040**  
**Christian D. Weber** : **Chapter 13**  
**Audrey C. Weber** : **Judge John C. Melaragno**  
: \* \* \* \* \*  
**Debtor(s)** :  
**Lakeview Loan Servicing, LLC** : **Related Document #94 & 115**  
**Movant,** :  
**vs** :  
:   
:   
**Christian D. Weber** :   
**Audrey C. Weber** :   
**William C. Gibi** :   
**Ronda J. Winnecour** :   
**Respondents.**

**CERTIFICATE OF SERVICE OF AFFIDAVIT OF DEFAULT ON AGREED ORDER**

I certify under penalty of perjury that I served the above captioned pleading on the parties at the addresses specified below or on the attached list on (date) 08/26/2024.

The type(s) of service made on the parties (first-class mail, electronic notification, hand delivery, or another type of service) was: first-class mail and electronic notification.

If more than one method of service was employed, this certificate of service groups the parties by the type of service. For example, the full name, email address, and where applicable the full name of the person or entity represented, for each party served by electronic transmission is listed under the heading "Service by NEF," and the full name and complete postal address for each party served by mail, is listed under the heading "Service by First-Class Mail."

EXECUTED ON: 08/26/2024

By: /s/Stephen R. Franks  
Signature  
Stephen R. Franks, Esquire  
Typed Name  
P.O. Box 165028, Columbus, OH 43216-5028  
Address  
614-220-5611  
Phone No.  
0075345  
List Bar I.D. and State of Admission

Stephen R. Franks, Attorney for Creditor, Manley Deas Kochalski LLC, P.O. Box 165028, Columbus, OH 43216-5028 (notified by ecf)

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov (notified by ecf)

Ronda J. Winnecour, Chapter 13 Trustee, Suite 3250, USX Tower, 600 Grant Street, Pittsburgh, PA 15219, cmecf@chapter13trusteedpa.com (notified by ecf)

Daniel P. Foster, Attorney for Debtor and/or Co-Debtor, 1210 Park Avenue, Meadville, PA 16335, dan@mrdebtbuster.com (notified by ecf)

Christian D. Weber and Audrey C. Weber, Debtor and/or Co-Debtor, 460 Collier Road, Mercer, PA 16137 (notified by regular US Mail)

William C. Gibi, Debtor and/or Co-Debtor, 460 Collier Rd., Mercer, PA 16137 (notified by regular US Mail)

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**In re:** :  
 : **Case No.: 21-10040**  
**Christian D. Weber** : **Chapter 13**  
**Audrey C. Weber** : **Judge Carlota M. Bohm**  
 : **\*\*\*\*\***

**Debtor(s)**

**Lakeview Loan Servicing, LLC** : **Date and Time of Hearing**  
**Movant,** : **August 2, 2023 at 01:30 p.m.**

**vs**

: **Place of Hearing**  
**Christian D. Weber** : **Courtroom B, 54th Floor**  
**Audrey C. Weber** : **U.S. Steel Tower**  
**William C. Gibi** : **600 Grant Street**  
**Ronda J. Winnecour** : **Pittsburgh, PA 15219**

**Respondents.**

**Related Document # 94,95**

**STIPULATION AND ORDER FOR SETTLEMENT OF CREDITOR LAKEVIEW LOAN  
SERVICING, LLC MOTION FOR RELIEF FROM AUTOMATIC STAY AND CO-  
DEBTOR STAY FOR PROPERTY LOCATED AT  
460 COLLIER RD., MERCER, PA 16137 (DOCKET # 94)**

This matter coming to be heard on the *Motion for Relief from Stay and Co-Debtor Stay* (Dkt. #94) which was filed in this court by Lakeview Loan Servicing, LLC ("Movant"), Movant and Christian D. Weber and Audrey C. Weber by and through counsel (collectively, "Debtor"), have agreed to a course of action which will condition the continuation of the automatic stay upon certain provisions incorporated herein for the protection of Movant; and Parties stipulate to the following:

1. The Parties agree that the Chapter 13 Plan ("Plan") filed herein on behalf of Debtor provided that said Debtor was to make regular monthly mortgage payments and pre-petition arrearage payments to the Chapter 13 Trustee in a regular monthly fashion.
2. The Parties agree that in breach of said Plan, Debtor failed to make regular monthly payments to the Chapter 13 Trustee resulting in a default to Movant.
3. Debtor has filed an Amended Chapter 13 Plan on August 11, 2023 at Docket No. 106 providing for an increase in plan payments to the Trustee to \$2,850.00 per month for the next 60 months.
4. Debtor acknowledges that the increased monthly plan payment of \$2,850.00 will be made to the Trustee for the next 28 months beginning with the September 2023 payment.

5. Relief shall be stayed so long as the Debtors make each and every plan proposed payment in the current amount of \$2,850.00 in a timely and complete manner beginning with the September 2023 full plan payment stated in the Debtor's plan filed on August 11, 2023.
6. Should the Debtor default in any plan payment, upon Affidavit of creditor's counsel or the Trustee this Order relief shall be immediately effective without further Order of the Court. Any Affidavit of default filed with the Court shall indicate that Creditor's counsel has confirmed that no payments have been received by Lakeview Loan Servicing and that counsel has reviewed the Trustee's internet site and that a default is evident according to the Trustee's records. Additionally, a copy of the Trustee's report showing the default must be attached to the Affidavit.
7. This Stipulation remains in full force and effect in the event Debtor's case is dismissed by the Court and Debtor subsequently reinstates their case by order of the Court and/or the Movant obtains relief from stay and the stay is subsequently reinstated by order of the Court.
8. If this bankruptcy proceeding is converted to Chapter 7, dismissed or discharged, this Order shall be terminated and have no further force or effect.

Dated: 08/25/2023

BY: /s/Alyk L. Oflazian  
Alyk L. Oflazian (312912)  
Manley Deas Kochalski LLC  
P.O. Box 165028  
Columbus, OH 43216-5028  
614-220-5611; Fax 614-627-8181  
Email: ALOflazian@manleydeas.com  
Attorney for Creditor

Dated: 8/25/2023

BY: /s/ Daniel P. Foster  
Daniel P. Foster  
1210 Park Avenue  
Meadville, PA 16335  
Email: dan@mrdebtbuster.com  
Attorney for Debtor

I do not object to the foregoing Stipulation

/s/ Jim Warmbrodt  
Ronda J. Winnecour  
Suite 3250, USX Tower

600 Grant Street  
Pittsburgh, PA 15219

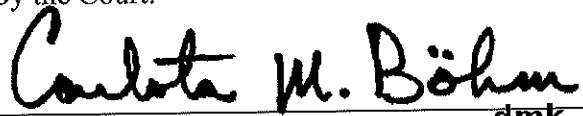
**ORDER OF COURT**

AND NOW, to wit, this 30th day of August, 2023, upon consideration of the foregoing Stipulation for Settlement of Creditor's Motion for Relief from the Automatic Stay, it is hereby **ORDERED, ADJUDGED AND DECREED** that:

1. The terms of the foregoing Stipulation are hereby approved in their entirety and incorporated herein as part of this Order.
2. Pursuant to the Stipulation, Creditor is entitled to relief from the automatic stay upon default of Debtor, subject to the terms of the Stipulation.

By the Court:

FILED  
8/30/23 10:33 am  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA

  
CARLOTA M. BOHM, JUDGE *dmk*  
UNITED STATES BANKRUPTCY COURT

CC:

Alyk L. Oflazian, Attorney for Creditor, Manley Deas Kochalski LLC, P.O. Box 165028, Columbus, OH 43216-5028 (notified by ecf)

Office of U.S. Trustee, Party of Interest, (Registered address)[@usdoj.gov](mailto:@usdoj.gov) (notified by ecf)

Ronda J. Winnecour, Chapter 13 Trustee, Suite 3250, USX Tower, 600 Grant Street, Pittsburgh, PA 15219, [cmecf@chapter13trusteedpa.com](mailto:cmecf@chapter13trusteedpa.com) (notified by ecf)

Daniel P. Foster, Attorney for Debtor and/or Co-Debtor, 1210 Park Avenue, Meadville, PA 16335, [dan@mrdebtbuster.com](mailto:dan@mrdebtbuster.com) (notified by ecf)

Christian D. Weber and Audrey C. Weber, Debtor and/or Co-Debtor, 460 Collier Road, Mercer, PA 16137 (notified by regular US Mail)

William C. Gibi, Debtor and/or Co-Debtor, 460 Collier Rd., Mercer, PA 16137 (notified by regular US Mail)

## Exhibit B

## Case Number 2110040



## Debtor Information

Debtor 1 CHRISTIAN D. WEBER  
Debtor 2 AUDREY C. WEBER

## Trustee Information

Trustee Ronda Winnecour

## Status

Trustee Data current as Of 08/19/2024

Total of 1 marked Claim(s) \$8,460.35

Outstanding amount in marked claims \$4,238.24

## CASE INFORMATION

Case Number 2110040  
Chapter 13  
Case Status ACTIVE  
NDC Case Status Active-Open  
Balance on Hand \$2,696.06  
Last Receipt Date 08/08/2024  
Last Receipt Amount \$2,850.00  
Last Disbursement Date 08/08/2024  
Percentage to Unsecured 0.00%  
Plan Base \$140,632.00  
Total Paid into Plan \$77,932.00  
Total Paid to all Parties \$75,235.94  
Total Paid to Creditors  
Delinquency Amount  
Min To Unsecured  
Court Case Number 21-10040JCM  
Unsecured Interest 0.0000  
Proposed Length Of Plan 60

## Filing Fee in Plan

## Filing Fee Paid to Date

Date Petition Filed 01/26/2021

Date Plan Filed 03/01/2021

First 341 Meeting Date 03/30/2021

Date Case Confirmed 04/01/2021

Date Case Closed

Bar Date

Cleared Date

Date First Payment Due 02/01/2021

Confirmation Hearing Date

Final Report Date

Show Cause Date

Probation Date

Bar Check Flag False

Disburse Flag True

Hold Permanent 0

Hold Temporary 0

## Additional Parties In Interest

## TRUSTEE INFORMATION

Trustee Name Ronda Winnecour  
Trustee City Pittsburgh, PA  
Amount Paid to Date \$3,561.08

## JUDGE/ATTORNEY INFORMATION

Judge Name JOHN C. MELARAGNO

Court District Western District of Pennsylvania

Court Division Erie

Region Region 1

Attorney Name DANIEL P FOSTER ESQ\*\*

Attorney Address FOSTER LAW OFFICES  
1210 PARK AVE

MEADVILLE, PA 16335

Attorney Phone 8147241165

Attorney Percent 0.0000

Attorney Pay Level For Percent 0.0000

Attorney Fee in Plan



Attorney Paid to  
DateAttorney Fee Paid  
Outside Plan**DEBTOR INFORMATION**

Debtor 1		Debtor 2	
Debtor Name	CHRISTIAN D. WEBER	Debtor Name	AUDREY C. WEBER
Direct Payment Amt	\$2,850.00	Direct Payment Amt	
Direct Payment Frequency	MONTHLY	Direct Payment Frequency	
Payroll Deduction Amt		Payroll Deduction Amt	
Payroll Deduction Frequency		Payroll Deduction Frequency	

PLAN STEPS		COURT DOCKET	CASE HISTORY		
START DATE	END DATE		NUMBER OF PAY PERIODS	PAYMENT AMOUNT	PAYMENT FREQUENCY
02/01/2021	03/31/2021		2	\$2,250.00	MONTHLY
04/01/2021	03/31/2023		24	\$2,334.00	MONTHLY
04/01/2023	09/30/2023		6	\$2,670.00	MONTHLY
10/01/2023				\$2,850.00	MONTHLY

**CUSTOMER CASE TAG**

Case Identifier:

Comment:

## Account Ledger



Case 2110040 Debtor1 CHRISTIAN D. WEBER Debtor2 AUDREY C. WEBER Trustee WINNECOUR, RONDA (PITTSBURGH, PA)

Filter By All Claims All Payees Receipts All Time

DATE PAID ▼	CLAIM NUMBER	CHECK NUMBER R	NAME OF PARTY	DESCRIPTION	AMOUNT
08/08/2024			N/A	TFS - MONTHLY PLAN PAYMENT	\$2850.00
04/08/2024			N/A	TFS - MONTHLY PLAN PAYMENT	\$2850.00
01/30/2024			N/A	TFS - MONTHLY PLAN PAYMENT	\$2850.00
11/10/2023			N/A	TFS - MONTHLY PLAN PAYMENT	\$2850.00
11/01/2023			N/A	TFS - MONTHLY PLAN PAYMENT	\$2850.00
10/05/2023			N/A	TFS - MONTHLY PLAN PAYMENT	\$2850.00
09/01/2023			N/A	TFS - MONTHLY PLAN PAYMENT	\$2800.00
08/07/2023			N/A	TFS - MONTHLY PLAN PAYMENT	\$2740.00
07/10/2023			N/A	TFS - MONTHLY PLAN PAYMENT	\$2740.00
05/10/2023			N/A	TFS - MONTHLY PLAN PAYMENT	\$2740.00
04/06/2023			N/A	TFS - MONTHLY PLAN PAYMENT	\$2600.00
03/10/2023			N/A	TFS - MONTHLY PLAN PAYMENT	\$2600.00
02/13/2023			N/A	TFS - MONTHLY PLAN PAYMENT	\$2600.00
01/20/2023			N/A	TFS - MONTHLY PLAN PAYMENT	\$2334.00
11/30/2022			N/A	TFS - MONTHLY PLAN PAYMENT	\$2334.00
10/12/2022			N/A	TFS - MONTHLY PLAN PAYMENT	\$2334.00
08/17/2022			N/A	TFS - MONTHLY PLAN PAYMENT	\$2334.00
07/13/2022			N/A	TFS - MONTHLY PLAN PAYMENT	\$2334.00
06/01/2022			N/A	TFS - MONTHLY PLAN PAYMENT	\$2334.00
04/19/2022			N/A	TFS - MONTHLY PLAN PAYMENT	\$2334.00
03/10/2022			N/A	TFS - MONTHLY PLAN PAYMENT	\$2334.00
02/22/2022			N/A	TFS - MONTHLY PLAN PAYMENT	\$2334.00
12/16/2021			N/A	TFS - MONTHLY PLAN PAYMENT	\$2334.00
12/09/2021			N/A	TFS - MONTHLY PLAN PAYMENT	\$2334.00
11/12/2021			N/A	TFS - MONTHLY PLAN PAYMENT	\$2334.00
10/15/2021			N/A	TFS - MONTHLY PLAN PAYMENT	\$2334.00
09/10/2021			N/A	TFS - MONTHLY PLAN PAYMENT	\$2334.00

Account Ledger | NDC

DATE PAID ▼	CLAIM NUMBER	CHECK NUMBER	NAME OF PARTY	DESCRIPTION	AMOUNT
		R			
07/26/2021			N/A	TFS - MONTHLY PLAN PAYMENT	\$2334.00
06/10/2021			N/A	TFS - MONTHLY PLAN PAYMENT	\$2334.00
05/07/2021			N/A	TFS - MONTHLY PLAN PAYMENT	\$2334.00
04/09/2021			N/A	TFS - MONTHLY PLAN PAYMENT	\$2334.00

Claim Detail | NDC

## Claim Detail



Case 2110040 Debtor1 CHRISTIAN D. WEBER Debtor2 AUDREY C. WEBER Trustee WINNECOUR, RONDA (PITTSBURGH, PA)

## CLAIM DETAIL

Claim Number 4  
Claim Description MORTGAGE REGULAR PAYMENT  
Claim Type Code D  
Class Type Description SECURED  
Class Type Code S  
Level 22  
Comment RS/OE~STAYED\*PMT/  
DECLAR-PL\*DKT4PMT-  
LMT\*BGN 2/21\*FR  
Collateral Description 460 COLLIER RD|MERCER  
PA 16137  
Account Number [REDACTED]  
Reference Number [REDACTED]  
UCI  
Claim Start Payment Date  
Court Claim Number 27  
Percent Paid  
Mortgage Due Date  
Final Report Category Ongoing Mortgage  
Claim Status Description  
Claim Filed Date 04/06/2021

## CLAIM AMOUNTS

Claim Amount \$0.00  
Scheduled Amount \$134,771.00  
Monthly Payment \$1,021.60  
Collateral Value Amount \$0.00  
Principal Paid \$32,451.25  
Principal Owed \$0.00  
Principal Due Amount \$10,854.60  
Interest Rate % 0.0000  
Interest Paid \$0.00  
Interest Due Amount \$0.00  
Trustee Percent 0.0000  
Last Payment Amount 1756.35  
Last Payment Date 04/25/2024

## CREDITOR INFORMATION

Creditor Name LAKEVIEW LOAN SERVICING LLC  
Mailing Address C/O NATIONSTAR MORTGAGE LLC D/B/A M  
PO BOX 619094  
DALLAS, TX 75261-9741  
Contact Name /POA 2/22 =CK=  
Phone Number (888) 480-2432  
Creditor Number [REDACTED]

## FLAGS

No Check Indicator  
Stop Disburse Indicator  
Continuing Indicator Y - Continuing Debt  
Reserve Indicator

## CUSTOMER CLAIM TAG

Payment Type

Claim Identifier:

Comment:

## PAYMENT HISTORY

## CLAIM HISTORY

DATE	CHECK NUMBER	NAME OF PARTY	DESCRIPTION	PAYMENT AMOUNT	TOTAL
04/25/2024	1298386	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$1756.35	\$32,451.25

DATE	CHECK NUMBER	NAME OF PARTY	DESCRIPTION	PAYMENT AMOUNT	TOTAL
02/26/2024	<u>1293092</u>	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$1746.89	\$30,694.90
11/27/2023	<u>1285153</u>	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$2516.37	\$28,948.01
10/25/2023	<u>1282468</u>	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$1257.17	\$26,431.64
09/26/2023	<u>1279756</u>	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$1234.06	\$25,174.47
08/25/2023	<u>1276998</u>	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$1206.50	\$23,940.41
07/25/2023	<u>1274228</u>	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$1205.32	\$22,733.91
05/25/2023	<u>1268551</u>	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$1216.35	\$21,528.59
04/25/2023	<u>1265701</u>	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$1152.37	\$20,312.24
03/28/2023	<u>1262879</u>	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$1150.37	\$19,159.87
02/23/2023	<u>1260116</u>	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$1148.18	\$18,009.50
01/26/2023	<u>1257487</u>	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$1028.55	\$16,861.32
12/22/2022	<u>1254759</u>	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$1026.70	\$15,832.77
10/25/2022	<u>1249212</u>	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$1021.90	\$14,806.07
08/24/2022	<u>1243517</u>	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$1035.93	\$13,784.17
07/26/2022	<u>1240617</u>	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$1031.04	\$12,748.24
06/27/2022	<u>1237664</u>	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$1025.45	\$11,717.20
04/26/2022	<u>1231606</u>	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$1010.25	\$10,691.75
03/25/2022	<u>1228584</u>	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$999.98	\$9,681.50
02/23/2022	<u>1225638</u>	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$988.06	\$8,681.52
12/23/2021	<u>1219672</u>	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$1909.54	\$7,693.46
11/22/2021	<u>1216615</u>	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$935.91	\$5,783.92
10/25/2021	<u>1213576</u>	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$914.13	\$4,848.01
09/24/2021	<u>1210499</u>	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$906.37	\$3,933.88
08/26/2021	<u>1207378</u>	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$876.94	\$3,027.51
06/25/2021	<u>1201045</u>	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$752.22	\$2,150.57
05/25/2021	<u>1197867</u>	LAKEVIEW LOAN SERVICING LLC	AMOUNTS DISBURSED TO CREDIT OR	\$1398.35	\$1,398.35